

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
-against- :
:
NICHOLAS TRUGLIA, :
:
Defendant. :
:
----- x

**ORDER DENYING MOTION
FOR BAIL PENDING APPEAL**

19 Cr. 921 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

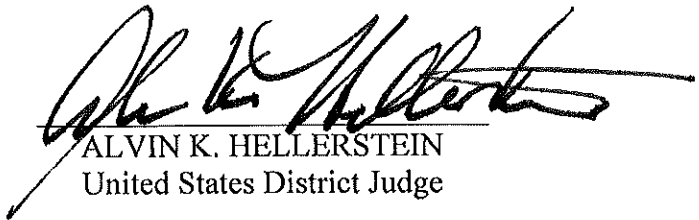
I resentenced Defendant Nicholas Truglia, pursuant to 18 U.S.C. § 3614, to twelve years of incarceration on July 10, 2025. He filed a notice of appeal on July 15, 2025, and now moves for bail pending that appeal. Truglia argues that he should be granted bail because he is “not likely to flee or pose a danger to . . . the community if released,” and because his appeal raises a “substantial question of law and fact,” namely that resentencing violated his constitutional double jeopardy and due process rights. 18 U.S.C. §§ 3143(b)(1)(A)-(B). The motion for bail pending appeal is denied.

Truglia has not shown by clear and convincing evidence that he is unlikely to flee or pose a danger to the community; in fact, he has previously traveled without notifying his probation officer, defied court orders, and has reason to flee given the length and gravity of the sentence imposed. He has also not shown that his appeal raises a substantial question of law likely to result in reversal, a new trial, or a reduced sentence, as no court has ever found unconstitutional a resentencing under 18 U.S.C. § 3614. Indeed, the Second Circuit has previously upheld such resentencing. *See, e.g., U.S. v. Colasuonno*, 697 F.3d 164, 180 (2d Cir. 2012). As I have repeatedly held, Truglia’s failures to pay restitution were willful and resentencing under Section 3614 was appropriate.

The Clerk is directed to terminate the open motion, ECF No. 152.

SO ORDERED.

Dated: August 6, 2025
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge